

**Remarks**

Claims 1-11 are pending in the application and are rejected.

**Claim rejections**

**Section 103**

Claims 1-8 were rejected (for purposes of responsiveness, it is assumed the Examiner meant claims 1-11) under 35 USC 103(a) as being unpatentable over Meacher et al. (US 5,858,569) ("Meacher") in view of Hiroshi et al. (JP 11-339,828) ("Hiroshi"), or unpatentable over Hiroshi in view of Meacher and further in view of Yoshimura et al. (US 6,291,094) ("Yoshimura"). The Applicant respectfully traverses. The cited references do not support the asserted rejection for at least the reason that they do not disclose or suggest "the contact portion being located further to the side of a periphery of the metal plate than the gas passage portion, a conductive surface of the contact portion being exposed ..." as recited in claim 1.

In Meacher, the periphery of the metal plate of the separator is entirely covered by the gasket (i.e., gasket 67 in FIG. 4, or gasket 79 in FIG. 5), so no conductive surface is exposed for contact with a terminal of a voltage monitor. Moreover, this further means that Meacher cannot be combined with the other references to yield the claimed invention, since it is impossible to attach a terminal of a voltage monitor to the alleged "contact portion" of the separator of Meacher.

The references are further silent with respect to an anti-corrosion surface treatment as recited in claim 1. Yoshimura is cited as disclosing a carbon coating. However, as stated in Yoshimura at col. 14, lines 45 et seq., the coating is applied to increase the conductivity at the surface of the separators. Thus, there is nothing in Yoshimura to teach or even suggest applying different anti-corrosion surface treatments to a gas passage portion of the metal plate of the separator and a portion of the same plate to which a terminal of a voltage monitor is attached.

Regarding claim 9 in particular, it is noted that in Meacher, the carbon layer is provided to form the gas passages on the flat separator, and therefore it is clear that the carbon layer does not cover the bottom of each passage; that is, the carbon layer is not formed on the entire gas passage portion.

Regarding claim 10 in particular, it is further noted that in Meacher, the separator is flat and the gas passages are formed by the carbon layer, as mentioned above. Therefore, the separator recited in claim 10, which includes the metal plate having the gas passage as part thereof (e.g., a metal plate press-formed so as to define gas passages thereon) is clearly distinguishable.

In view of the foregoing, withdrawal of the asserted rejection is respectfully requested.

Conclusion

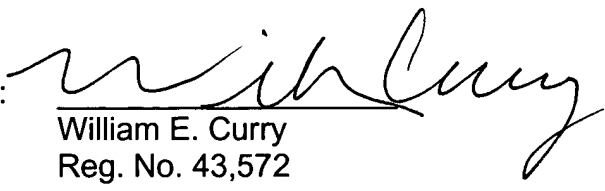
In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is encouraged to contact the undersigned at (202) 220-4323 for any further description or clarification on this response, or regarding any other matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: MAY 30, 2006

By:

  
William E. Curry  
Reg. No. 43,572

KENYON & KENYON LLP  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
Tel: (202) 220-4200  
Fax: (202) 220-4201